

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00219-MR-WCM

UNITED STATES OF AMERICA and)
THE STATES OF NORTH CAROLINA)
and TENNESSEE *ex rel.* ALANA)
SULLIVAN and J. BRITTON TABOR,)

Plaintiffs,

v.

MURPHY MEDICAL CENTER, INC.)
and CHATTANOOGA-HAMILTON)
COUNTY HOSPITAL AUTHORITY,)

Defendants.

ORDER

This matter is before the Court on the United States’ Notice of Election to Intervene in Part and to Decline to Intervene in Part (Doc. 44)¹ and a Notice of Declination of the States of North Carolina and Tennessee (Doc. 45).

¹ The United States is intervening in the portion of this action “which alleges that defendants Murphy Medical Center, Inc. d/b/a Erlanger Western Carolina Hospital and Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Health System d/b/a Erlanger Medical Center (collectively, “Erlanger”) violated the FCA by submitting or causing the submission of claims to Medicare that were referred by physicians with whom Erlanger had employment relationships that violated the Stark Law” but declines to intervene in the Relators’ remaining allegations. Doc. 44 at 1-2.

IT IS HEREBY ORDERED THAT:

1. This case, as well as the Complaint (Doc. 2) and the Notices filed by the United States, North Carolina, and Tennessee (collectively, the “Governments”) (Docs. 44, 45) be **UNSEALED**.
2. All other *current* contents of the Court file in this action **REMAIN UNDER SEAL** and are not to be made public or served upon Defendants. All filings made in this action *after* the date of this Order will be publicly available, unless otherwise ordered by the Court.
3. With respect to the portion of this action in which the United States has intervened, the United States shall **FILE** its Complaint and **SERVE** it upon Defendants, together with this Order, on or before **July 29, 2024**.
4. With respect to the portion of this action in which the United States has declined to intervene, Relators shall **FILE**, on or before **May 31, 2024** a notice stating whether they intend to proceed with the remaining claims and, if so, describing the procedure by which they propose to do so (including, for example whether the claims for which the United States has intervened and Relators’ remaining claims should be litigated in the same action).
5. The Governments shall be served with copies of all pleadings and motions filed in this matter, including supporting memoranda. Likewise, all orders of this Court shall be sent to the Governments, the

Governments may order any deposition transcripts, and all notices of appeal shall be served upon the Governments.

6. Should any party request that this action or any part thereof be dismissed, that party shall comply with all applicable statutory provisions to ensure the appropriate consents of the Governments are provided to the Court, as may be necessary.

Signed: May 8, 2024

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

